

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

United States District Court
Southern District of Texas
ENTERED

OCT 25 2005

Michael N. Milby, Clerk of Court
By Deputy Clerk R. Nieto

ROY EDWARD CANTU,
Petitioner,

V.

UNITED STATES OF AMERICA,
Respondent.

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CRIMINAL NO. B-98-75

ORDER

On the 11th day of October, 2005, the Honorable John Wm. Black, United States Magistrate Judge, filed a Report and Recommendation [Docket No. 108] recommending that this Court dismiss Petitioner's Motions under Rule 60(b)(6) for Lack of Subject Matter Jurisdiction [Docket No. 107]. Petitioner has objected to said report and recommendation. [Docket No. 111] Having considered *de novo* the magistrate judge's report and recommendation and the issues raised by Petitioner's objections, the Court hereby **ADOPTS** the magistrate judge's report and recommendation, **OVERRULES** Petitioner's objections, and **DISMISSES** Petitioner's Motion under Rule 60(b)(6) [Docket No. 107] without prejudice.

Signed this 25th day of October, 2005.



Andrew S. Hanen
United States District Judge